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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,429	12/28/2000	Marc J. Krolczyk	XXT-058	7868
7590	04/14/2004		EXAMINER	
Patrick R. Roche FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP 1100 Superior Avenue 7th Floor Cleveland, OH 44114-2579			NGUYEN, NHON D	
			ART UNIT	PAPER NUMBER
			2174	
DATE MAILED: 04/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/750,429	KROLCYK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Nhon (Gary) D Nguyen	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 15 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is responsive to Amendment B, filed 03/15/2004.
2. Claims 1-20 are pending in this application. Claims 1, 15, 17, and 20 are independent claims. The finality of the action of 12/29/2003 is withdrawn and this action is made final.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-5, and 9-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hube (“Hube”, US 5,337,161).

As per independent claim 1, Hube teaches a document processing system having a user interface for creating a plurality of tabbed pages within said document, each tabbed page carrying an individual tab, said user interface comprising:

a tab data entry frame facilitating entry of tab data, including a total number of said tabbed pages in said document (specified pages in job programmed for tab stock; S3 of fig. 9; col. 7, lines 10-12) and a number of unique tab positions to format said tabbed pages (S21 and S26 of fig. 10), and entry of tab content for each associated tab (retrieve tab images and apply sequentially to tab pages in job; S11 of fig. 9); and

a page preview frame showing a tab layout of the unique tab positions for formatted tabbed pages and said tab content entered for each associated tab (fig. 17, col. 8, lines 50-54).

As per claim 3, which is dependent on claim 1, Hube teaches the user interface allows said tab content to be entered during creation of a document (tab contents 219-223 are entered during creation of document 226 of fig. 17).

As per claim 4, which is dependent on claim 1, Hube teaches the page preview frame shows an accurate image of said tabbed page with said tab content (fig. 17).

As per claim 5, which is dependent on claim 1, Hube teaches the page preview frame shows an accurate image of a plurality of said tabbed pages with a corresponding plurality of said tab content (fig. 17).

As per claim 9, which is dependent on claim 1, wherein Hube teaches the tab content includes merged fields (scale factor S82 and rotation factor S85 of fig. 14; col. 10, lines 32-49).

As per claim 10, which is dependent on claim 1, it is inherent in Hube's system that the user interface is adapted to compensate for deleted tabbed pages.

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As per claim 11, which is dependent on claim 1, it is inherent in Hube's system that the user interface is adapted to automatically accommodate a change in tab data involving a change in tab modulus (col. 10, line 65 – col. 11, line 36).

As per claim 12, which is dependent on claim 1, Hube teaches the user interface is adapted to digitize tab content (tab image, such as 202 of fig. 18 is digital tab content to be adapted by the user interface).

As per claim 13, which is dependent on claim 1, it is inherent in Hube's system that the user interface is adapted to justify tab content on said tab (col. 10, lines 32-49).

As per claim 14, which is dependent on claim 1, Hube teaches a personal computer hosts said user interface (col. 5, lines 28-32).

As per independent claim 15, Hube teaches a document processing system, comprising:  
a user interface to automatically configure tabbed pages within a document having a plurality of pages to partition said pages into sections (fig. 17; col. 8, lines 47-57); and  
an output device for processing said document including said tabbed pages said partitioned sections (60 of fig. 2).

As per claim 16, which is dependent on claim 15, Hube teaches:

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a personal computer for hosting said user interface; and a network coupling said personal computer to said output device (fig. 1).

As per independent claim 17, Hube teaches an automated method for processing a document having tabbed pages, said method comprising the steps of:

Entering tab modulus data including a number of unique tab positions (the tab parameter file includes necessary tab type information such as the modulus parameter; col. 7, lines 25-31); receiving entered tab modulus data (the tab parameter file includes necessary tab type information such as the modulus parameter; col. 7, lines 25-31); determining a location of a tab on each of said tabbed pages based on received modulus data (col. 7, lines 35-52); receiving tab content; and positioning tab content onto said tab (col. 10, lines 32-49).

As per claim 18, which is dependent on claim 17, Hube teaches the step of positioning tab content involves rotating said tab content for placement on said tab (col. 8, line 59 – col. 10, line 49).

#### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hube in view of Tonomura et al (“Tonomura”, US 6,571,054).

As per claim 6, which is dependent on claim 1, Hube does not disclose the user interface is adapted to receive data pertaining to a location of said tabbed pages in a document to allow for automated insertion of said tabbed pages. Tonomura discloses a tag table to receive location data of page tags for displaying in an Electric Image Book (122 D of fig. 9; col. 11, line 13-15). It would have been obvious to an artisan at the time of the invention to use the teaching from Tonomura of a tag table to receive location data of page tags for displaying in an Electric Image Book in Hube’s system since it would allow the user to specify where to insert a tab in a document.

As per claim 19, which is dependent on claim 17, it is rejected under the same rationale as claim 6.

7. Claims 2 and 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hube in view of Tonkin (“Tonkin”, US 6,616,702).

As per claim 2, which is dependent on claim 1, Hube does not teach the user interface allows all of the tab data and tab content to be entered at one time. Tonkin discloses all data is entered at one time in the Document Builder 310 (fig. 5F) before a user hits OK button 342 to set up the document format. It would have been obvious to an artisan at the time of the invention to apply Tonkin’s teaching of all data entered at one time before formatting the document to modify

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Hube's system to have all the tab data entered at one time before setting up the tabbed pages since it would speed up the process of setting up tabbed pages.

As per independent claim 20, Hube teaches a storage medium for use in an electronic device, said medium holding instructions for performing an automated method for processing a document having precut tabbed pages, comprising the steps of:

assigning tabs and tabs properties to the precut pages tabs to generate a stock of the tabs, including: entering tab modulus including a total number of tabbed pages in said document (specified pages in job programmed for tab stock; S3 of fig. 9; col. 7, lines 10-12) and a location of each tab (S21 and S26 of fig. 10); creating a list of tab contents including at least one of a text and graphics to be printed on each tab (col. 8, lines 47-55); entering an orientation (col. 8, line 57-63). Hube teaches size property applied to the tab content of each tab (col. 9, lines 6-11). However, Hube does not disclose font property applied to the tab content of each tab. Tonkin teaches font property applied to the tab page (520 of fig. 6). It would have been obvious to an artisan at the time of the invention to use the teaching from Tonkin of applying font property to the tab content in Hube's system since it would allow a user to create a variety of styles of tab contents;

Hube further teaches formatting said document including:

receiving tab modulus data of the tab stock (the tab parameter file includes necessary tab type information such as the modulus parameter; col. 7, lines 25-31), determining a location of each printable tab based on said received tab stock modulus (col. 7, lines 35-52),

receiving tab content for each tab, positioning said received tab content onto an associated tab based on said tab properties assigned to said associated tab (fig. 14; col. 10, lines 32 and 49),

receiving data identifying locations of said tabbed pages in said document (col. 8, lines 16-18), and automatically determining the locations of said tabbed pages in said document to reflect most recently entered tab stock modulus (col. 8, lines 18-28); and transmitting said document to a printing device (col. 6, lines 31-48).

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hube.

As per claims 7 and 8, which are dependent on claims 1 and 7 respectively, Hube teaches tab content comprises tab text color (col. 7, lines 60-65); however, modified Hube does not disclose the tab content comprises a color graphic. The Examiner takes Official Notice that a color graphic content such as an icon is well known in computer art. It would have been obvious to an artisan at the time of the invention to include a color graphical icon in modified Hube's tab content since it would allow the user to recognize tab contents easily without reading the text.

*Response to Arguments*

9. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquiries***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen

March 30, 2004

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